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August 3, 2023

VIA ECF

The Honorable Gregory H. Woods
United States District Court, S.D.N.Y.
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 2260
New York, New York 10007

Re: Kenneth P. Silverman, Esq. v. Citibank, N.A., Case No. 22-cv-05211 (GHW)

Dear Judge Woods:

We represent Plaintiff Kenneth P. Silverman, Esq., chapter 7 trustee (“Plaintiff”)¹ in the above-referenced action (the “Action”). We write pursuant to Your Honor’s Individual Rules of Practice Rule 1.A, as a follow up to, and in accord with the Court’s suggestion at, the conference held on July 13, 2023 to respectfully request the Court lift the discovery stay ordered in the Action on or about July 14, 2022 [Docket No. 28] (the “Discovery Stay”).

On June 12, 2023, Plaintiff filed a letter to the Court requesting a status conference to discuss lifting the Discovery Stay [Docket No. 66] (the “June Letter”). On June 15, 2023, defendant Citibank, N.A. (“Citibank”) filed a letter responding to the June Letter stating that lifting of the Discovery Stay was not warranted [Docket No. 67]. That same day, the Court granted Plaintiff’s request and scheduled a pre-motion conference to be held on July 13, 2023 [Docket No. 68]. On July 13, 2023, the Court held a conference to discuss Plaintiff’s request to lift the Discovery Stay. At the conference, Plaintiff stated that he seeks a partial lifting of the Discovery Stay to allow the parties to begin to meet and confer about the scope and schedule of discovery and about a proposed case management plan pending the Court’s decision on Citibank’s motion to dismiss the Action [Docket Nos. 42, 44] (the “Motion”). The Court stated that if it had not issued a decision on the Motion within three weeks, Plaintiff may file a letter renewing its request to lift the Discovery Stay.

¹ Plaintiff is the chapter 7 trustee of the bankruptcy estates of National Events Holdings, LLC and its affiliated debtors, in their jointly administered chapter 7 bankruptcy cases pending in the United States Bankruptcy Court for the Southern District of New York.

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Therefore, for the reasons set forth in Plaintiff's June Letter and as stated at the July 13, 2023 pre-motion conference, Plaintiff respectfully renews his request to lift the Discovery Stay or, in the alternative, requests another conference regarding the Discovery Stay and/or the Motion.

Respectfully,

A handwritten signature in blue ink, appearing to read "Howard W. Schub", is written over a faint, light blue circular stamp.

Howard W. Schub

cc: John Gueli, Esq. (via email)